

# Notice of Allowability

Application No.

09/800,586

Examiner

Michael V Battaglia

Applicant(s)

OHUCHIDA ET AL.

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06 October 2004.
2. ☒ The allowed claim(s) is/are 23 and 25 (now renumbered as 1 and 2, respectively).
3. ☒ The drawings filed on 05 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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11/9/04

AMENDMENTS TO THE CLAIMS

1. – 22. (Cancelled)

23. (Previously Presented) An optical pickup apparatus for reading/reproducing data on an optical recording medium, comprising:

light sources configured to emit light beams of different wavelengths;

a diffracting device configured to transmit the light beams emitted from the light sources and to diffract light beams reflected from the optical recording medium;

an optical device having a reflecting portion and a transmitting portion, configured to reflect one part of the light beams emitted from the light sources to the diffracting device by the reflecting portion and to transmit other parts of the light beams emitted from the light sources to the optical recording medium by the transmitting portion, and to transmit the light beams reflected from the optical recording medium to the diffracting device by the transmitting portion;

a photodetecting device configured to detect the light beams reflected from the optical recording medium through the optical device with reflecting portion and the diffracting device, for signal light detection;

wherein the diffracting device includes plural diffracting portions, in which each of the diffracting portions corresponds to one of the different wavelengths, to diffract the respective parts of the light beams reflected by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection of each of the light sources; and

wherein the reflecting portion of the optical device includes plural reflecting portions arranged at positions corresponding to the light beams of the plural wavelengths, and the plural diffracting portions of the diffracting device are arranged at positions corresponding to the plural reflecting portions of the optical device respectively, and the light beams of different wavelengths reflected from the plural reflecting portions of the optical device are diffracted by the plural diffracting portions of the diffracting device to the photodetecting device for monitor light detection of each of the light sources.

24. (Cancelled)

25. (Previously Presented) An optical pickup apparatus for reading/reproducing data on an optical recording medium, comprising:

light sources configured to emit light beams of different wavelengths;

a diffracting device configured to transmit the light beams emitted from the light sources and to diffract light beams reflected from the optical recording medium;

an optical device, integrated with the diffracting device, having a reflecting portion and a transmitting portion, configured to reflect one part of the light beams emitted from the light sources to the diffracting device by the reflecting portion and to transmit other parts of the light beams emitted from the light sources to the optical recording medium by the transmitting portion, and to transmit the light beams reflected from the optical recording medium to the diffracting device by the transmitting portion;

a photodetecting device configured to detect the light beams reflected from the optical recording medium through the optical device with reflecting portion and the diffracting device, for signal light detection; and

wherein the diffracting device includes plural diffracting portions, in which each of the diffracting portions corresponds to one of the different wavelengths, to diffract the respective parts of the light beams reflected by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection of each of the light sources, and wherein a section of the diffracting device at a side of the optical device forms a section of bilateral asymmetry.

**REMARKS**

The application has been reviewed in light of the Advisory Action mailed on September 10, 2004. Rejected claims 1-5, 7-22 and 24 have been cancelled, and only allowed claims 23 and 25 are now pending in this application.

Applicants have cancelled claims 1-5, 7-22 and 24 without prejudice solely to advance prosecution of the application and to let the allowed claims pass to issue. Applicants' canceling of the rejected claims does not mean that the Applicants acquiesce with the rejections. Applicants disagree with the rejections for the reasons set forth in previous correspondence, and reserve the right to pursue the cancelled claims, and other claims, in another application.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: October 6, 2004

Respectfully submitted,

By 

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